

### Legislation Details (With Text)

<b>File #:</b>	17-344	<b>Version:</b>	1
<b>Type:</b>	Ordinance Second Reading	<b>Status:</b>	Passed
		<b>In control:</b>	City Council
<b>On agenda:</b>	6/26/2017	<b>Final action:</b>	6/26/2017
<b>Title:</b>	Petitioner-Initiated Annexation of Territory Located at 3652 and 3672 Maly Place SE (Annexation Case No. C-719)		

Ward(s): 2  
Councilor(s): Andersen  
Neighborhood(s): SESNA

**Sponsors:**

## Indexes:

### Code sections:

**Attachments:** 1. Attachment 1 - Vicinity Map, 2. Attachment 2 - Ordinance Bill No. 18-17, 3. Exhibit A - Territory Legal Description and Map

Date	Ver.	Action By	Action	Result
6/26/2017	1	City Council	adopted	Pass

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Lisa Anderson-Ogilvie, AICP, Interim Community Development Director

**SUBJECT:**

Petitioner-Initiated Annexation of Territory Located at 3652 and 3672 Maly Place SE (Annexation Case No. C-719)

Ward(s): 2  
Councilor(s): Andersen  
Neighborhood(s): SESNA

**ISSUE:**

Should City Council conduct second reading of Ordinance Bill No. 18-17 annexing, applying the City of Salem RS (Single Family Residential) zone, and withdrawing from the Marion County Fire District #1, the East Salem Service District, and the Suburban East Salem Water District, for a 0.28-acre property located at 3652 and 3672 Maly Place SE?

**RECOMMENDATION:**

Conduct second reading of Ordinance Bill No. 18-17 annexing, applying the City of Salem RS (Single

Family Residential) zone, and withdrawing from the Marion County Fire District #1, the East Salem Service District, and the Suburban East Salem Water District, for a 0.28-acre property located at 3652 and 3672 Maly Place SE.

## **SUMMARY AND BACKGROUND:**

This is a petitioner-initiated annexation of a 0.28-acre territory located at 3652 and 3672 Maly Place SE. A vicinity map is included as Attachment 1.

Council held a public hearing on the petition on February 27, 2017 and no testimony was received. Council discussed the effect of Senate Bill 1573 (2016), which prohibits cities with voter approved annexation from referring certain property owner initiated annexations to the voters. Council discussed whether this annexation should be referred to the voters and the litigation involving the City of Corvallis and the State of Oregon regarding the constitutionality of Senate Bill 1573. Council determined that it should wait until the trial court issued a decision in that case before reaching a decision in this annexation. Council then closed the public hearing, and decided to continue the matter for deliberations until March 27, 2017.

After the February 27 hearing, the trial court's decision in the City of Corvallis case was announced. The court determined that Senate Bill 1573 complied with the Oregon Constitution, and did not violate the home rule authority of the city.

At the March 27 hearing, Council adopted Order No. 2017-01-ANX. Staff mailed notice of the adoption of the order on March 30, 2017. No appeal was filed.

## **FACTS AND FINDINGS:**

On March 8, 2016, property owners Hallie Wolf and Prentice Wolf submitted an application for annexation, paid the filing fee, and submitted a valid triple-majority annexation petition. On April 20, 2016, the Public Works Department issued sewer permits to John R. Davenport for proposed dwellings at for the property, which is located in the East Salem Sewer District and Suburban East Salem Water District. On May 2, 2016, the Wolfs sold the subject property to John R. Davenport and Patricia S Davenport. On July 8, 2016, staff notified the Davenports that a revised annexation petition would be required to complete the annexation. On July 15, 2016, John R. Davenport paid systems development charges for the sewer permits. On August 4, 2016, John R. Davenport and Patricia S. Davenport submitted a valid triple-majority annexation petition.

The facts and findings supporting the annexation, zoning designation, and withdrawal from districts can be found in Ordinance No. 18-17 (Attachment 2).

Pamela Cole  
Planner II

### **Attachments:**

1. Vicinity Map
2. Ordinance No. 18-17
3. Exhibit A - Territory Legal Description and Map

